



SB 258 - HB 924

March 29, 2021

SUMMARY OF ORIGINAL BILL: Authorizes law enforcement agencies to utilize drones without a search warrant or recognized warrant exception to provide aerial coverage for the purpose of security for an event open to the public, coverage in case of a natural disaster when a state of emergency is declared, or to investigate the scene of a crime that is occurring or has occurred. Extends, from three to thirty, the number of days by which the evidence must be deleted, unless directly relevant to both the lawful reason the drone was being used and to an ongoing investigation or criminal prosecution.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (006228): Deletes and replaces all language after the enacting clause such that the only substantive changes are to reduce, from 30 to 15, the number of days by which the evidence must be deleted and to specify that footage is not admissible in court or in the obtaining of a search or arrest warrant if collected in violation of this legislation.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 39-13-609(d), state and local law enforcement agencies are authorized to utilize drones in certain circumstances.
- The proposed language would authorize law enforcement agencies to also utilize drones without obtaining a search warrant if used in compliance with applicable Federal Aviation Administration rules to provide aerial coverage for the purpose of providing or enhancing security for an event open to the public, including but not limited to, music concerts, athletic events, festivals, fairs, and other outdoor events, coverage in case of a natural disaster when a state of emergency is declared, or to investigate the scene of a crime that is occurring or has occurred.
- The legislation further requires footage to be deleted within 15 days of collection unless directly relevant to both the lawful reason the drone was being used and to an ongoing investigation or criminal prosecution.

- Pursuant to § 39-13-609(e)(2)(A), any data obtained by use of a drone shall be deleted within three business days of collection unless it is directly relevant to both the lawful reason the drone was being used and to an ongoing investigation or criminal prosecution. If the evidence, information, or other data collected or obtained is directly relevant to both, it shall be retained and deleted by the collecting law enforcement agency in accordance with the same criteria, policies, and procedures used by the agency for evidence collected by methods other than a drone.
- Requiring the time period in which law enforcement agencies are required to delete the footage to be within 15 days will not result in any significant fiscal impact to state or local government.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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